

Appl. No. : 10/720,842
Filed : November 24, 2003

REMARKS

The July 28, 2006 Office Action was based on pending Claims 1, 3–6, 9 and 11–22. No claims are being amended or cancelled by this Response. In view of the remarks set forth below, Applicant respectfully reconsideration of Claims 1, 3–6, 9 and 11–22 and submits that Claims 1, 3–6, 9 and 11–22 are in condition for allowance.

SUMMARY OF OFFICE ACTION

The Office Action rejected Claims 1, 3–6, 9 and 11–22 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,161,111 to Mutalik et al. (“Mutalik”) in view of U.S. Patent Publication No. 2003/0172158 A1 to Pillai et al. (“Pillai”).

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Submitted concurrently herewith is a Supplemental Information Disclosure Statement citing twenty-six (26) references. Applicant respectfully requests the Examiner to consider the pending claims in connection with these references in order to make the references of record.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

The Office Action rejected Claims 1, 3–6, 9 and 11–22 as being unpatentable over Mutalik in view of Pillai.

The Office Action, however, has not established a *prima facie* case of obviousness for the rejected claims because Pillai is not prior art. In particular, Pillai was filed September 4, 2001, and claims domestic priority to U.S. Patent Application No. 09/894,422, filed June 28, 2001. Thus, the earliest effective filing date of Pillai is June 28, 2001.

The present application, however, is a continuation application of U.S. Patent Application No. 09/774,301, filed January 30, 2001 (“the parent application”), which claims the benefit of priority of U.S. Provisional Patent Application No. 60/179,345, filed January 31, 2000.

Because the earliest effective filing date of Pillai is after the filing date of the parent application of this continuation application, Applicant submits that Pillai is not prior art to the present claims, and Applicant respectfully requests that the rejection of the present claims be withdrawn.

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CONCLUSION

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved.

Moreover, by the foregoing remarks no admission is made that any of the above-cited references are prior art to the pending claims and/or are properly combinable. Furthermore, Applicant respectfully disagrees with the Examiner's characterization of the cited references and reserves the right to distinguish the substantive content of these references in response to any subsequent Office Action.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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